



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



141686

OCT 25 2000

REPLY TO THE ATTENTION OF

NICOR MERCURY SPILL SITES

VIA FACSIMILE
FEDERAL EXPRESS

SEE ATTACHED SERVICE LIST

Re: Nicor Mercury Sites - Scrap Yards and Processing Facilities

Dear Sir or Madam:

Enclosed please find an amendment to the unilateral Administrative Order number V-W-00-C-610 issued by the U.S. Environmental Protection Agency ("U.S. EPA") on September 6, 2000 under Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. §9601, et seq.

A copy of the September 6, 2000 unilateral Administrative Order is attached.

If you have any questions regarding the Order, feel free to contact Thomas Krueger, Assistant Regional Counsel, at (312) 886-0562 or Steven Faryan, On-Scene Coordinator, at (312) 353-9351.

Sincerely yours,

William E. Muno, Director
Superfund Division

Enclosure

cc: Thomas Skinner, Division of Land Pollution Control
Illinois Environmental Protection Agency

Angela Foster-Rice

RESPONDENTS
UNILATERAL ADMINISTRATIVE ORDER AMENDMENT
NICOR MERCURY SPILL SITES

Cherlyn Tribble
Nicor Gas
1844 Ferry Road
Naperville, IL 60563-9600

Larry Malis
Chicago Heights Iron & Supply
1715 Wentworth
Chicago Heights, IL 60411

Jeff Gorman
DeKalb Iron & Metal Company
900 Oak Street
DeKalb, IL 60115-3471

Herb Glassman
Berlinsky Scrap Co.
212 Page Avenue
Joliet, IL 60432-3024

Newtonson Iron
901 West Marquette Street
Ottawa, IL 61350-1867

cc: Larry Wennlund
Wennlund & Associates
1234 N. Cedar Road
P.O. Box 98
New Lenox, IL 60451

Mike Elam/Scott Semenek
Piper, Marbury, Rudwick & Wolfe
203 N. LaSalle Street #1800
Chicago, IL 60601-1210

Nicor Gas
c/o Angela Foster-Rice, Esq.
Gardner, Carton & Douglas
Quaker Tower
321 North Clark Street
Chicago, IL 60610-4795

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	Docket No. V-W-99-C-610
)	
NICOR MERCURY SPILL SITES)	ADMINISTRATIVE ORDER PURSUANT
)	TO SECTION 106(a) OF THE
)	COMPREHENSIVE ENVIRONMENTAL
Respondents:)	RESPONSE, COMPENSATION, AND
)	LIABILITY ACT OF 1980, AS
Listed in Attachment A)	AMENDED, 42 U.S.C. § 9606(a)

FIRST AMENDMENT TO UNILATERAL ADMINISTRATIVE ORDER

1. Berlinsky Scrap Corporation, Newton Iron and Metal and DeKalb Iron and Metal have been identified as part of the Nicor Mercury Sites as described in Order No. V-W-99-C-610 (Order), issued by the United States Environmental Protection Agency (U.S. EPA) on September 6, 2000. This Amendment describes the application of the Order to the Berlinsky Scrap Corporation, Newton Iron and Metal and DeKalb Iron and Metal facilities and adds the above parties as Respondents to the Order.
2. Based on available information, including the Administrative Record in this matter, U.S. EPA hereby makes the following supplemental findings of fact:
 - a. The Berlinsky Scrap Corporation, located at 212 Page Avenue in Joliet, Illinois, was inspected by the Illinois Environmental Protection Agency (IEPA) on September 2, 2000, to determine whether mercury regulators received from Nicor Gas were present. IEPA inspectors observed a large pile of scrap steel mixed with regulators just inside the fence between Gate 1 and Gate 2 on the Berlinsky property. The IEPA inspectors pulled 5 regulators out from the pile of scrap and screened the regulators for mercury using the Jerome 431-X mercury vapor analyzer. IEPA inspectors recorded mercury readings of .004 mg/m³ in one regulator.
 - b. U.S. EPA, IEPA, Nicor Gas and their contractors visited the Berlinsky site on September 27, 2000, to further assess the facility and to collect additional readings of mercury levels in the regulators and soil. U.S. EPA On-Scene Coordinator Steve Faryan and Ecology and Environment employee Bill Sass collected readings using a mercury vapor analyzer. Regulators were observed mixed throughout the scrap pile and several regulators were observed toward the back of the scrap pile which is located between Gate 1 and Gate 2. The owners of Berlinsky Scrap Corporation told U.S. EPA representatives that Berlinsky had received scrap shipments from Nicor Gas containing regulators. They also stated that employees are paid additional wages to pick regulators from the scrap steel pile, and the regulators are placed in a box called "aluminum breakage". The owners stated that they have continued to add scrap to the pile and have continued to have

employees segregate and shear the scrap steel. Numerous regulators were observed in the scrap steel pile and several were found on the ground behind the scrap steel pile. Elevated mercury levels were detected in the soil behind the scrap steel pile. Mercury vapor levels were detected at .403 mg/m³ under a can near the pile and mercury vapor levels were detected at .173 mg/m³ in the open air near the soil.

c. The DeKalb Iron and Metal Company, located at 900 Oak Street in DeKalb, Illinois, was inspected by IEPA inspectors on September 5, 2000. IEPA inspectors observed regulators present at the facility, and detected mercury vapor levels at .005 mg/m³ in the West Yard box containing regulators and at .017 mg/m³ inside a cracked regulator. DeKalb Iron and Metal Company has been accepting scrap from Nicor Gas since 1989.

d. U.S. EPA, IEPA, Nicor Gas, and the owner of DeKalb Iron met at the facility on September 28, 2000, to further assess the facility. The West Yard was inspected and two boxes of regulators were observed, both approximately half full of regulators. Most of the regulators were spring loaded (non mercury) type regulators. No mercury vapor readings were detected in the soil beneath the boxes. The East Yard was inspected and found to contain visible regulators on the ground, partially covered by a large pile of unsorted scrap metal. The owner of DeKalb Iron stated that two loads of scrap from Nicor Gas were dumped approximately six months ago. Mercury vapor readings were collected in this area and levels of mercury were detected at .006 mg/m³ under the scrap metal and regulators.

e. The IEPA inspected the Newtonson Iron Scrap yard, located at 901 West Marquette Street in Ottawa, Illinois, on September 5, 2000. IEPA inspectors observed regulators and detected mercury vapors present in the area at .003 mg/m³ and up to .009 mg/m³ near the regulators and scrap found on the ground next to aluminum slag furnace. One or more mercury regulators were identified and subsequently removed from the facility by IEPA.

f. U.S. EPA, Nicor Gas, IEPA and the owners of Newtonson Iron Scrap met on September 28, 2000 to further assess the facility. A small pile, containing approximately 25 spring loaded regulators was observed near an aluminum slag furnace.

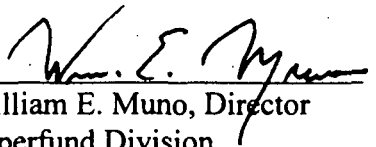
3. Based on the Findings of Fact set forth above and in the Order, and the Administrative Record in this matter, U.S. EPA hereby determines that:

- a. Respondents Berlinsky Scrap Corporation, DeKalb Iron and Metal Company, and Newtonson Iron and Metal are each the present "owner" and "operator" of one of the NICOR Mercury Spill Sites, as defined by Section 101(20) of CERCLA, 42 U.S.C. §9601(20). Respondents are therefore liable persons under Section 107(a) of CERCLA, 42 U.S.C. §9607(a).

4. Respondents Berlinsky Scrap Corporation, DeKalb Iron and Metal Company and Newton Iron and Metal shall comply with all terms of the Order that apply to the Respondents under the Order, other than those provisions that apply only to Respondent Nicor Gas. Respondents Berlinsky Scrap Corporation, DeKalb Iron and Metal Company and Newton Iron and Metal shall also each secure the facility that they own and operate, particularly the areas known to contain regulators received from Nicor Gas.
5. Respondent Nicor Gas shall implement at the Berlinsky Scrap Corporation, DeKalb Iron and Metal Company and Newton Iron and Metal facilities the work plan, health and safety plan, air monitoring and sampling and analysis program developed under the Order to identify and confirm the extent of mercury contamination at the above-named facilities and remove and properly dispose of mercury contaminated materials. Respondent Nicor Gas shall also secure and decontaminate any affected building floors and walls, conduct air sampling and soil sampling to verify that the structures and soil are being decontaminated or excavated and removed to acceptable levels; and transport and dispose of all hazardous substances, pollutants, wastes or contaminants at a RCRA-approved disposal facility, in accordance with the U.S. EPA Off-Site Rule, 40 C.F.R. § 300.440.
6. Within 3 days after the effective date of this Amendment, Respondent NICOR shall submit a schedule for implementing response actions required at the [name] facility for review and approval by U.S. EPA consistent with Section V.3.1 of the Order. Respondent NICOR shall implement the response actions in accordance with the approved schedule. Within 3 days after written notice from the OSC that site-specific amendments or supplements to the approved work plan, health and safety plan, air monitoring and sampling and analysis program developed under the Order are necessary, Respondent Nicor Gas shall submit all such site-specific plans or supplements for review and approval under Section V.3.1 of the Order. Investigation and cleanup at the above-named facilities shall begin promptly after approval of the work plans, site-specific plans, and supplements by U.S. EPA.
7. All other provisions of the Order shall remain in effect and this Amendment shall not alter or modify the terms of that order except as specifically provided herein. This Amendment shall be incorporated into, and shall be fully enforceable provisions of, the Order.
8. This Amendment shall be effective 2 business days following issuance unless a conference is requested by one or more Respondents pursuant to Section XIV of the Order. If a conference is requested, this Amendment shall be effective 2 business days after the date of the conference.

IT IS SO ORDERED

BY:


William E. Muno, Director
Superfund Division
United States Environmental Protection Agency
Region 5

DATE:

10/25/00

First Amendment to Unilateral Administrative Order
Nicor Mercury Spill Sites
No. V-W-99-C-610

ATTACHMENT A

RESPONDENTS
UNILATERAL ADMINISTRATIVE ORDER AMENDMENT
NICOR MERCURY SPILL SITES

Nicor Gas
1844 Ferry Road
Naperville, IL 60563-9600
Attn: Cherlyn Tribble

Chicago Heights Iron & Supply
1715 Wentworth
Chicago Heights, IL 60411
Attn: Larry Malis

DeKalb Iron & Metal Company
900 Oak Street
DeKalb, IL 60115-3471
Attn: Jeff Gorman

Berlinsky Scrap Co.
212 Page Avenue
Joliet, IL 60432-3024
Attn: Herb Glassman

Newtonson Iron
901 West Marquette Street
Ottawa, IL 61350-1867

ATTACHMENT B

LIABILITY FILE INDEX
REVISED OCTOBER 23, 2000

1. Warranty Deed in Trust, First National Bank in Chicago Heights; Trust Number 97; September 24, 1962.
2. April 23, 1999 Real Estate Mortgage DeKalb Iron & Metal Co.
3. November 10, 1999 Herbert L. Glassman & Phyllis F. Glassman, Trustees of the Glassman Family Revocable Family Living Trust or 3608 Robert Court, Hazel Crest, IL 60429.
4. January 4, 2000 Warranty Deed, Daniel Lee Szafranski Grantee
5. July 3, 2000 Trustee's Deed, Herbert L. Glassman & Phyllis F. Glassman, First Midwest Trust Company.
6. July 6, 2000 LaSalle County Real Estate Tax Bill Daniel Lee Szafranski
7. August 3, 2000 from Gardner, Carton & Douglas for Nicor Gas to Carol Ropski, U.S. EPA: "Nicor Gas Mercury Sites, Response to General Notice of Potential Liability & Request for Information pursuant to Section 104(e) of CERCLA".
8. August 3, 2000 from Morgan Lewis & Bockius LLP for Henkles & McCoy, Inc. to Carol Ropski, U.S. EPA: "Nicor Mercury Sites --Response to Request for Information dated July 31, 2000".
9. August 9, 2000 from Morgan Lewis & Bockius LLP for Henkles & McCoy, Inc. to Carol Ropski, U.S. EPA: "Nicor Mercury Sites -- Response to July 31, 2000 Request for Information".
10. September 1, 2000 Facsimile from Nicor-Engineering to BOL Manager's Office: "Scrap Collection Contractor List".

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
NICOR MERCURY SPILL SCRAP YARDS SITES
NORTHERN ILLINOIS

ORIGINAL
SEPTEMBER 8, 2000

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	07/26/00	Fiore, M., Hygieneering, Inc.	Stimple, B., U.S. EPA; et al.	FAX Transmission re: Sampling Protocol for Mercury Contamination within a Residential Home	4
2	07/31/00	Karl, R., U.S. EPA	Crawford, C., Hinkels & McCoy, Inc.	Letter re: General Notice of Potential Liability and Request for Information for the Nicor Mercury Spill Sites w/ Attachment	8
3	07/31/00	Karl, R., U.S. EPA	Nicor Gas c/o A. Foster-Rice; Gardner, Carton & Douglas	Letter re: General Notice of Potential Liability and Request for Information for the Nicor Mercury Spill Sites	6
4	07/31/00	U.S. EPA	File	Tables: U.S. EPA/START Mercury Vapor Air Monitor- ing Results for the Period July 25-July 31, 2000 at the Nicor Mercury Spill Sites	12
5	08/03/00	Foster-Rice, A.; Gardner, Carton & Douglas	Ropski, C., U.S. EPA	Letter re: Nicor's Response to U.S. EPA's July 31, 2000 General Notice of Potential Liability and Request for Information Letter for the Nicor Mercury Sites [ATTACHMENTS HAVE BEEN REDACTED]	8
6	08/10/00	Stimple, B., U.S. EPA	Tappen, R., Nicor Gas	Letter re: Screening of Additional Homes Potentially Contaminated with Mercury at the Nicor Mercury Spill Sites	1

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
7	08/15/00	Stimple, B., U.S. EPA	Distribution List	Memorandum: Pollution Report (POLREP) #1 [Initial] for the Nicor Mercury Spill Sites	3
8	08/13/00	Foster-Rice, A.; Gardner, Carton & Douglas	Krueger, T., U.S. EPA	Letter re: Nicor's Response to U.S. EPA's August 10, 2000 Letter Concerning Screening of Additional Homes Potentially Contaminated with Mercury at the Nicor Mercury Spill Sites	2
9	09/01/00	Karl, R., U.S. EPA	Malis, L., Chicago Heights Iron & Supply	Letter re: General Notice of Potential Liability for the Nicor Mercury Spill Sites (Scrap Yards and Processing Facilities)	3
10	09/01/00	Karl, R., U.S. EPA	Tribble, C., Nicor Gas	Letter re: General Notice of Potential Liability for the Nicor Mercury Spill Sites (Scrap Yards and Processing Facilities)	5
11	09/01/00	Nicor Gas	Illinois EPA	FAX Transmission re: Nicor Scrap Collection Contractor List	1
12	09/06/00	Stimple, B., U.S. EPA	Muno, W., U.S. EPA	Enforcement Action Memorandum: Request for an Emergency Removal Action at the Nicor Mercury Spill Sites in Cook, DuPage, Kane, Lake, LaSalle and McHenry Counties (PORTIONS OF THIS DOCUMENT HAVE BEEN REDACTED)	11
13	09/08/00	Latham, M., Gardner, Carton & Douglas	Ropski, C., U.S. EPA	Letter re: Nicor's Response to U.S. EPA's September 1, 2000 General Notice of Potential Liability and Request for Information Letter for the Nicor Mercury Sites (Scrap Yards and Processing Facilities) [ATTACHMENTS REDACTED]	8

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
14	09/08/00	Stimple, B., U.S. EPA	Distribution List	POLREP #2 for the Nicor Mercury Spill Sites	4
<u>UPDATE #1</u> OCTOBER 24, 2000					
1	09/19/00	Watson, J., Gardner, Carton & Douglas	Stimple, B., U.S. EPA	Letter re: Nicor's Formal Notice of Intent to Comply with the Administrative Order for the Nicor Mercury Scrap Yards Sites	2
2	09/21/00	Watson, J., Gardner, Carton & Douglas	Stimple, B., U.S. EPA	Letter Forwarding Nicor' Removal Action and Confir- mation Sampling Plan for the Nicor Mercury Sites for U.S. EPA's Review and Approval	13
3	09/27/00	Illinois EPA	U.S. EPA	Master Status List for Illinois EPA Scrap Site Investigations for Mercury Regulators	4
4	10/00/00	Nicor Gas	U.S. EPA	Removal Action Work Plan for DeKalb Iron & Metal Company	17
5	10/00/00	Nicor Gas	U.S. EPA	Site Health and Safety Plan for Scrap Iron Removal at the DeKalb Iron & Metal Company	22
6	10/00/00	Nicor Gas	U.S. EPA	Removal Action Work Plan for Newton Iron and Metal	15
7	10/06/00	Faryan, S. & B. Stimple; U.S. EPA	Distribution List	POLREP #1 for the Nicor Mercury Spill Scrap Yards Sites	5
8	10/17/00	Ecology and Environment, Inc.	U.S. EPA	Field Notes re: September 27-28, 2000 Inspections of of the Berlinsky Scrap Corporation, DeKalb Iron & Metal Company and Newton Iron and Metal w/ Attached Contact Information and Site Sketches	4

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
9	10/17/00	Illinois EPA	U.S. EPA	Report re: Results of Mercury Solid Sampling from January 1-October 17, 2000	15

Entered

• bcc: Docket Analyst, ORC (C-14J)
Tom Krueger, ORC (C-14J)
Brad Stimple, (SE-5J)
John Maritote, EESS (SE-5J)
Carol Ropski, EESS (SE-5J)
Fushi Cai, EESS (SE-5J)
Toni Lesser, Public Affairs (P-19J) w/out attachments
Michael T. Chezik, Department of Interior
Tony Audia, PAAS (MF-10J)
Records Center (SMR-7J)
ERB Read File
Joe Malek, CI

N.M 10/25/00